



JCO2 Rec'd PCT/PTO 09 MAY 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kenji Yoshioka et al.

Serial No.: 09/937,628

Filed: September 27, 2000

For: EMERGENCY COMMUNICATION SYSTEM

Art Unit: 2635

Examiner: To be assigned

Atty Docket: 21900/0039

#6
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PETITION

Commissioner for Patents
Washington, D.C. 20231

Sir:

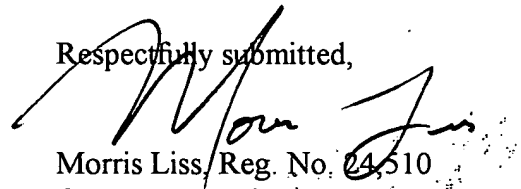
The accompanying Communication from the PTO dated March 20, 2002 recognizes the situation in the present application wherein two correlated applications were filed on the same day and the Declarations were switched so that the Declarations were filed in association with the wrong application.

This Petition is accompanied by a copy of the proper Declaration that was in fact filed in the wrong case. Applicant respectfully requests that the Declarations presently in the files be switched in connection with U.S. Application No. 09/937,621 and 09/937,628. Alternatively, the incorrect Declaration in the file may be replaced by the correct attached Declaration.

Reconsideration of this Petition is courteously solicited.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185.

Respectfully submitted,


Morris Liss, Reg. No. 24,510
Customer Number 30678
Connolly Bove Lodge & Hutz LLP
1990 M Street, N.W., Suite 800
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Telephone: 202-331-7111

Date:

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response 5-20-02
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In re Application of YOSHIOKA et al
U.S. Application No.: 09/937,628
Int. Application No.: PCT/JP00/00426
Int. Filing Date: 27 January 2000
Attorney Docket No.: 21900/0039
For: EMERGENCY COMMUNICATION SYSTEM

COMMUNICATION

This application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 27 January 2000, applicant filed international application PCT/JP00/00426. A copy of the international application was communicated to the USPTO from the International Bureau on 02 August 2001. The twenty-month period for paying the basic national fee in the United States expired at midnight on 27 September 2001.

On 27 September 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, a Transmittal Letter and the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 October 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 20 November 2001, applicant filed an executed declaration.

DISCUSSION

The declaration filed 20 November 2001 identifies international application PCT/JP00/00427 as the specification to which it is directed, while the Transmittal Letter identifies international application PCT/JP00/00426.

CONCLUSION

Applicant is required to file a response to this communication resolving the above-described inconsistency. A proper response would be a petition under 37 CFR 1.182 along with the petition fee set forth in 37 CFR 1.17(h). A proper response must be filed within TWO (2) MONTHS from the mail date of this communication. Extensions of time are available pursuant to 37 CFR 1.136.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

DECLARATION FOR PATENT APPLICATION

COPY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

EMERGENCY COMMUNICATION SYSTEM

the specification of which: (check one)

[] is attached hereto. [X] was filed on January 27, 2000, as United States Patent Application Serial No. or PCT International Application Number PCT/JP00/00426, and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 CFR § 1.56(a).

Prior Foreign Application(s): I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate listed below, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing Date	Priority Claimed
10-210972	Japan	27 July, 1998	<input type="checkbox"/> <input checked="" type="checkbox"/>
(Application No.)	(Country)	(Day/Month/Year Filed)	Yes No
(Application No.)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> <input type="checkbox"/>
(Application No.)	(Country)	(Day/Month/Year Filed)	Yes No
(Application No.)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> <input type="checkbox"/>
(Application No.)	(Country)	(Day/Month/Year Filed)	Yes No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
_____	_____

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by 35 U.S.C. § 112, first paragraph, I acknowledge the duty to disclose material information as defined in 37 CFR § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(U.S. Application Serial No.)	(U.S. Filing Date)	(Status—patented, pending, abandoned)
_____	_____	_____
(U.S. Application Serial No.)	(U.S. Filing Date)	(Status—patented, pending, abandoned)

I hereby appoint the following registered practitioners Rudolf E. Hutz, Reg. No. 22,397; John D. Fairchild, Reg. No. 19,756; Harold Pezzner, Reg. No. 22,112; Richard M. Beck, Reg. No. 22,580; Paul E. Crawford, Reg. No. 24,397; Burton A. Amernick, Reg. No. 24,852; Morris Liss, Reg. No. 24,510; George R. Pettit, Reg. No. 27,369; Patricia Smink Rogowski, Reg. No. 33,791; Robert G. McMorrow, Jr., Reg. No. 30,962; Ashley I. Pezzner, Reg. No. 35,646; William B. McShane, Reg. No. 32,707; Mary W. Bourke, Reg. No. 30,982; Gerard M. O'Rourke, Reg. No. 39,794; James M. Olsen, Reg. No. 40,408; Francis DiGiovanni, Reg. No. 37,310; Eric J. Evain, Reg. No. 42,517; William E. Curry, Reg. No. 43,572; David W. Ward, Reg. No. 45,198; Daniel C. Mulveny, Reg. No. 45,897; John A. Evans, (Agent) 44,100; and Elliot C. Mendelson (Agent), Reg. No. 42,878, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Send Correspondence and Direct Telephone Calls to:
Morris Liss
(202) 331-7111

Morris Liss
Connolly Bove Lodge & Hutz LLP
P.O. Box 19088
Washington, D.C. 20036-3425 U.S.A.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Kenji Yoshioka
Inventor's Signature: Kenji Yoshioka Date: September 25, 2001
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Citizenship: Japanese
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[X] See next page for additional inventors

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Full name of second joint inventor (if any): Yasutoshi Nakama

Inventor's Signature Yasutoshi Nakama

Date September 25, 2001

Residence Address Ikoma-shi, Nara Japan

Citizenship Japanese

Post Office Address 11-1, Hikarigaoka 2-chome, Ikoma-shi, Nara 630-0041 Japan

Full name of third joint inventor (if any): _____

Inventor's Signature _____

Date _____

Residence Address _____

Citizenship _____

Post Office Address _____

Full name of fourth joint inventor (if any): _____

Inventor's Signature _____

Date _____

Residence Address _____

Citizenship _____

Post Office Address _____

Full name of fifth joint inventor (if any): _____

Inventor's Signature _____

Date _____

Residence Address _____

Citizenship _____

Post Office Address _____

Full name of sixth joint inventor (if any): _____

Inventor's Signature _____

Date _____

Residence Address _____

Citizenship _____

Post Office Address _____

Full name of seventh joint inventor (if any): _____

Inventor's Signature _____

Date _____

Residence Address _____

Citizenship _____

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Full name of eighth joint inventor (if any): _____

Inventor's Signature _____

Date _____

Residence Address _____

Citizenship _____

Post Office Address _____

Full name of ninth joint inventor (if any): _____

Inventor's Signature _____

Date _____

Residence Address _____

Citizenship _____

Post Office Address _____